Dear Jim, 1/11/75

Had there been a need I'd have written you earlier. However, I had too many others things to get done so they would not stack up on me and I felt that while the probability of your thinking I was reacting in passion rather than reason were slight, the passing of time would diminish or eliminate it.

I found Webster's behavior obscene. He gavem me all the reading I want. And by more than his behavior and the cheap jury tricks I found unspeakably inappropriate under the circumstances. I will not subject myself to this again. It gets too close to what I am willing to compromise over and elminates what there is for me in a willingness to compromise to avoid. I don't think I showed how angry I really was. Under other circumstances I might not be able to control myself. So, the best thing is to avoid it. This is one of the reasons I said that if he wanted me there again I'd wait outside and merely be available to answer specific questions.

It was indecent for him to feign indignation over an enormous understatement that was by no means intended to insult him and was in any event no insult. He does not know me so he will probably not believe that I was trying to be honest with him and let him know the realities. One of these was how I happened to be in chambers. Another is what the judge made very, very clear. About both Rauh and Taft's letter. He was really uptight about Taft's letter and he made no effort to hide it. Of course the assistant U.S.Attorney was there and the judge felt it was necessary to explain his feelings about both and about me and the legal situation to him.

Here there is an area we have never discussed, so perhaps I'd better explain.

I responded vigorously to Taft's letter. Taft to this day has not had a single word to say, unless he has lied to Williams. The judge got a carbon, as the letter indicated, I think. (When Williams suggested that I write Taft, after I sent Williams a copy of the Government's motion, Taft was again totally silent withme.) However Taft referred to "political" arguments, it is plain bullshit and the truth is precisely what I told Webster. We had no "political" discussions of any kind except the time I drove him to that extremist group of the far right's office. Then we agreed, did not argue. So far as Warren is concerned, I regarded and regard him as one of the best influences of his time on the Court. I did not kid Webster, as any reading of my earliest published work and countless letters will show. There could not have been any "argument" between Taft and me on him. It is without doubt that Taft was playing some kind of trick to hide what the Williams firm had done, but it did not fool the judge.

As his decision in the first case shows, the judge did not believe me. He assumed, as I presume most judges would, that there had been adequate preparation of the case, so there had to be something wrong with me. It did not take him very long to have his own doubts about Rauh and Silard because they were before him again in another case. He discussed this case and what he said and did (a memorable dressing down in open court) with the Assistant U.S. Attorney. I was not familiar with the case, as I sat and listened.

Now prior to this, and not knowing that it would happen, I'd told first Baron and then the judge that the Government was welcome to come out and take anything I had.(Baron's behavior was exemplary. He was very afraid I'd compromise myself or throw rights away.) I said I wanted them to and would not restrict them to what they could specify on discovery. I knew my case was that strong and my records that good. It got through to both the judge, who chided the Government more than once for not doing it, and to the Government, which never did do it. When they didn't I started taking records to them and dumping them on desks. This got through, including to the judge. Especially when there was no Williams/Taft rejoinder to what I wrote.

I believed and still believe that it can serve a common interest for the Williams people to understand this and more. However, they'll have to make their own decision. I think

they have/I also think they are nuts. But I have no intentionm of throwing away the potential advantage it gives us. I had no ulterior purpose in trying to tell Webster what I thought it would serve his interest to understand. If I had any otherpurpose, I'd never have described what they actually did to us as mere desertion or abandonment. It was infinitely worse. They could not have done more to torpedo us.

It is not only at this point that Webster played his cards wrong. You are aware that I paid no attention to his histrionics. You started to get up and leave but I didn't. I knew he didn't mean it and I knew that it was both a foolish effort and a misreading of me. So I just sat and he returned to his desk.

You know what he may or may not believe, that the reasons I suggested my being there are precisely those I gave him: so I could evaluate their intentions and he could learn what he might want to. Actually, the two intertwine.

He did not ask me the kind of questions I would have asked had I been in his role and of serious intent.I can't remember a single question he asked me about what proofs I had. I'd not have lied to him. Now I don't have to tell him and without some sign of honesty of intent I won't outside of court. Instead he tried to propagandize us. And his so-called legal arguments would demean a high-school freshman.

He wasn't even curious about why I am willingnto take less than I'd expect to win in court not to go to court. It sure as hell isn't because I don't expect to win!

This man may be something else before a jury, but he was not before a jury. If I don't know what he expected of the meeting, I do know that he got much less than he could have. At the same time he warned me not to be my normal forthright self with him.

How openly he grasped at straws, too. Like that silliness about why I took Taft to arrange for the preservation of the records of the time the doctor thought Lil was having a stroke. And what negligence when Taft didn't get a copy of those records forthwith, too. He didn't, as I learned only later.

How incurious he was about what I got on discovery, the discovery his firm never did file for despite my repeated requests and preparations. Somewhere I still have the draft of the second set of interrogatories Taft asked me to prepare. But he never got an answer to the first set. Never even demanded it. What I did get would have delivered the jury if I'd had no case, it was that kind of stuff. And oh man! what it would have done to the judge, about whom there was so much in it. About him, I mean. He'd have been looking for ceilings after climbing all the walls. We can still produce it to a jury. It even includes the written proof that the transcript of the Pentagon meeting I arranged for was altered, exactly as I told Taft it had been. I got Colonel Thompson's note to the staff court reporter, spelling it out. He did it, not Leahy. This is but one sample of more corruption behind closed doors than you'd even expect people to record and preserve. When the time comes we can discuss this.

Let me simplify this and the meaning I attribute to it. Webster didn't even try to learn from me what I might have that he might not know about that could hurt his firm if used in public. He has to know a little. That little tells me he can't really be serious in his pretense that he'd like to try the case - about his <u>own</u> firm. But I'd told h im quite openly that I was ready to inform him. He had no interest. It just isn't rational. He had nothing to lose by asking but he didn't even ask. Does this need interpretation?

There were a number of what I am inclined to consider unlawyerly displays.

Obviously he believes Taft. After this record? An experienced lawyer has no serious questions about this? I told him the truth, but not the full truth. I had other experts. I told him of the one his files should show. I don t believe that he has no files. I know that I was delayed getting the copies I did because they copied them. I think there is even correspondence on this. He did not ask me if there were others. This was one of my ways of testing him. When he asked no questions, I gave him leads. Remember my telling

him that I had been used as an expert by others who had won? My other experts ranged from these to men who are world-famous, and not as chicken farmers. If and when you have to know we can go into this. But in this connection, despite the fact that I was the litigant, my own work, published and quoted in scientific symposia as far away as New Zealand, could, I think, have led a court to accept me also as an expert. I did some of the most basic behavioral work, charged behaviorval patterns, and have pictures as well as other records to prove it. I mean impressive pictures to anyone who knows animal behavior. I did work for drug houses that they could not do for themselves and I was invited to address the veterinary medicine staff of the Food and Drug Administration on aspects of this work.

Should I regard Webster's purposes as serious when he does not ask me about lines I feed him, not even when I told him that Taft asked too much of the University of Maryland people? He didn't even ask me what I meant when I told him they had a political situation they could not live with with what Taft wanted. He didn't even ask me what this situation was. Could he have had serious purposes and been without questions here?

This leads me to another series of considerations, beginning with the cliche about a fool for a client.

Webster said he wanted to be in a position to make a recommendation to his insurer. Did he ask me a single question I could take as having this purpose? I think not.

Had he I could then believe he might have had his declared purpose. However, given the overtones and nuances of this case and situation, were I Williams I'd have turned the whole thing over immediately to either the insurer or an independent lawyer I trusted. I have no personal experience along this line. But I do not consider this a normal or typical malpractise case. There is not only no apparent defense against letting the statute of limitations run but there are elements that can be very hurtful to Williams personally and to the firm in general. Need I mention more than Warren or not keeping appointments with Lil and me to get draft deferments for perfectly healthy Redskins? (Do you doubt there are records of this, or that I do not have a record of when I was at the Williams office? I even told Williams of these records, in writing.) Yet with this they represent themselves?

Unless they own the insurance company, when that company finds out, as it can easily, that Webster made no effort to protect their interest, how do you think it will feel? Or react? Do you think they'll regard him as a good risk? Or that after this case goes to court, as seems to me Webster's desire, any other insurer will have any different belief or attitude?

This, of course, is quite separate from what the plain and simple facts, once aired in public, can do to the firm's reputation.

I think this is basic and obvious. I also practised my own preaching. I did not attempt to negotiate with the firm myself. I asked you to do it form me. If this turned out to be meaningless, I asked you then to get an expert in this kind of law. (I still seem no reason for you to seek such an expert, but if my beliefs are correct, I believe the time you will have to is close. Until we have to complicate this and run up the costs, I do not think we should. I also find it interesting, unless he has asked it of you and you forgot to tell me, that Webster hasn't asked why I am willing to attempt an out-of court settlement. It has nothing to do with the facts of the case or the law or any vulnerability on my part, but I find his lack of curiosity provocative. At this point, if he should ask belatedly. let us discuss it before you tell him.) It is not because I feel I am not able to do my own negotiating. You know I have negotiated settlements of up to 100% plus interest on broken publishing contracts. And I did a lot better than 10 times what the Williams firm pressed me to settle this suit for and then under the horrible situation they alone arranged. No, my thinking is that this is too emotional a matter for one to handle by himself. So, I find myself wondering why Williams, with all he has

to lose in this, departs from what I've always believed is the lawyer's norm. I also find no normal explanation.

At the same time, I do not for a minute think that the insurer will hire the Williams firm to defend this case. If they go on what Webster recommends to them and they get caught short, as I am without any doubt at all they will be in court, what will their situation and ours then be? They will be hurt and we willl be helped. They really will not be prepared to defend the case. (I was impressed with Webster as a Thespian but not as a lawyer.) Even if as I presume they seek to exercise discovery. They have to know what to ask for and from now on I'm giving them no more indications. I went to see Webster in good faith. He did not treat us that way. Period.

I do not want to appear to tell you how to do your business and this is not my purpose in what follows. You do what you think right and called for. I merely tell you what I think. It is that when you and Webster meet again you hear what, if anything, he has to say. If it is anything like what it was this past Monday, I think you should tell him that I see no purpose to be served, no seriousness on his part, and that I have communicated to you the belief that without some seriousness and honesty on his part and an end to these primitive games he is trying to play I see no real alternative to filing a suit. It is my belief.

He has learned nothing of any significance from me. He has made no meaningful gesture toward me. He has not served the interest of his insurer. If he wants to screw them for some emotional purpose of Williams', let him. It will help us and can't help him or the insurer. He has, in fact, already helped us by this insane approach he took.

Because for my own reasons I prefer a quiet settlement I was quite prepared to be open and informative with him. He clearly did not want this. Instead, he tried a juvenile approach of trying to intimidate and scare us. While I do not for a minute underestimate Williams or his firm, I do think this is a very serious underestimation of both of us. Can it be that he really knows so little of us? Did he really believe that with our records he could scare us? Can they be without knowing who has failed to scare me and who has tried or with whom I've been more than willing to lock horns? Can they have made no inquiries at all? Or are they merely this arrogant, so overly impressed with themselves? I don't want to appear to be arrogant myself, but believe me I am not a bit afraid of them or the facts or the law or a jury or a judge in this.

They have, as I see it, already made their choice. So be it. Unless Webster signals some change over what I perceived.

There remains the possibility that what he was up to is a kind of chiselling. Maybe he thought he could frighten us with all that nonsensical, pseudo-legal mumbo-jumbo. Had there been any possibility, he eliminated it. The man is undoubtedly a skilled courtroom performer. He may wellll be wrapped up in an exalted opinion of what he can do. But he got too carried away with himself and his tricks. He was much too insensitive. What they did to us was rotten enough. When he adds to that pretended indignation over the very modest representation I made and starts trying to make me out the villain, that simply is something I will not accept. Under any circumstances or conditions. To call it merely obscene is another considerable understatement. I feel this strongly. I do not feel any better about it or his less than serious purposes when I had an accident, with all the problems that makes for me, only because in good faith I presented myself to him so that he might learn what he had no interest in learning.

There have been many interruptions while I was writing this. If any is unclear or if you have any questions, let us discuss them when there is time. My immediate purpose is to convey my feeling and beliefs before you meet with him again. However, if that meeting is anything like this one, I think you should begin looking for the kind of expert in this kind of law we may want.

Sincerely,